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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,080	06/12/2001	Terry Guinan	P936 US	8025

7590

09/29/2003

IP Legal
Medtronic AVE, Inc.
3576 Unocal Place
Santa Rosa, CA 95403

EXAMINER

DAGOSTINO, SABRINA

ART UNIT PAPER NUMBER

3743

DATE MAILED: 09/29/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/881,080

Applicant(s)

GUINAN ET AL.

Examiner

Sabrina Dagostino

Art Unit

3743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Fugoso et al.

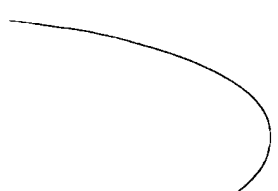
(5643209).

The applicant discloses a catheter comprising a balloon positioned at the distal end of the tubular member, an inflation lumen, a guidewire tubular member having a proximal segment having a first flexibility and a distal segment having a second flexibility, and a bond joining the balloon distal end to the proximal segment and the distal segment. Fugoso et al. discloses a dilatation balloon catheter with a flexible tip comprising a catheter body having proximal and distal ends with an outer shaft defining an inflation lumen. The catheter body has a coaxial inner guidewire shaft defining a guidewire lumen. An inflatable balloon is mounted at the distal end of the catheter body, the balloon has an outer diameter, an inner diameter, a distal end and a proximal end. The proximal end of the balloon is in fluid communication with the distal end of the inflation lumen and the distal end of the balloon is sealingly mounted to the guidewire shaft. The guidewire shaft extends distal to the distal end of the balloon, the guidewire shaft has an outer diameter and a step down area. The guidewire shaft Step down area begins just proximal to the distal end of the balloon. The guidewire shaft step down area has an outer diameter which is less than the outer diameter of the guidewire shaft. The distal end of the balloon is adhesively bonded to the guidewire shaft. And it describes U.S. Pat. No. 4,739,768 to Engelson for "Catheter for Guide-Wire Tracking" discloses a drug delivery catheter with a relatively stiff proximal segment and a relatively flexible distal segment that is at least 5 cm long.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sabrina Dagostino whose telephone number is 703-306-3485.

The examiner can normally be reached on M-F 7-3pm.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Bennett can be reached on 703-308-0101. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0861.

Sabrina Dagostino
Examiner
Art Unit 3743

September 18, 2003


Henry Bennett
Supervisory Patent Examiner
Group 3700